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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session
6–30 August 2018
Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined sixth to twelfth periodic reports of Latvia

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 2, 4, 6 and 7)

2. Information on measures to incorporate a definition of racial discrimination in line with article 1 of the Convention in the State party's legislation, beyond article 29 of the Labour Law (A/58/18, para. 444; CERD/C/LVA/6-12, para. 4).

3. Updated information on the implementation of legal provisions prohibiting racial discrimination, including article 29 of the Labour Law as amended in 2004 and 2006, as well as section 204 of the Code of Administrative Offences as amended in 2007, and articles 48, 78, 149 and 150 of the 2014 Criminal Code, and on remedies provided to victims of racial discrimination. Information about the reasons for the limited invocation of such legal provisions and the limited number of convictions (CERD/C/LVA/6-12, paras. 4–10; HRI/CORE/LVA/2017, paras. 180–186).

4. Information on measures taken to increase the financial resources allocated to the Office of the Ombudsperson to ensure that it can discharge its functions efficiently. Impact of activities undertaken by the Ombudsperson to eliminate racial discrimination, including disaggregated data on the complaints of discrimination on grounds protected under the Convention examined by the Ombudsperson and their outcomes (CERD/C/LVA/6-12, paras. 171–173; HRI/CORE/LVA/2017, paras. 56–59 and 188).

5. Information on steps taken to systematically collect data to better assess the situation of groups protected under the Convention, including on their enjoyment of economic and social rights, with a view to developing targeted measures to promote effective equality between all components of society (A/58/18, para. 450).

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6. Information on the impact of the Action Plan for the Implementation of the Guidelines on National Identity, Civil Society and Integration Policy (2012–2018), on fostering an inclusive society and social cohesion. Information on the steps taken to ensure the genuine participation of minorities' representatives and relevant civil society organizations in the design, implementation and evaluation of the policy on integration (CERD/C/LVA/6-12, paras. 18–19).

Racist hate speech and hate crimes (art. 4)

7. Information on measures to prevent, combat and investigate incidents of racist hate speech and violence directed against national minorities and particularly against Roma and ethnic Russians (CERD/C/LVA/6-12, paras. 26–34 and 161–164).

8. Information on steps taken, and their impact, to improve the recording of hate crimes, monitoring, investigation and prosecution, including the training of law enforcement officials. Information on measures adopted to alleviate the burden of proof applied in the prosecution of racist crimes and to reinforce public confidence in State institutions (CERD/C/LVA/6-12, paras. 26–34 and 161–164).

9. Information on the implementation of the Law on Electronic Mass Media Means and its impact on detecting and investigating the dissemination of racist hate speech and ideas on the media. Statistical data on complaints submitted to the Mass Media Council and their outcomes (CERD/C/LVA/6-12, para. 12).

10. Measures taken to ensure that dissemination of ideas based on racial superiority and hatred is prohibited, as well as information on the implementation of article 74 of the Criminal Code, in particular steps taken to condemn attempts to commemorate persons who fought in the Waffen SS and collaborated with the Nazis. Clarification on how the Law on the Status of Participants in the Second World War, which entered into force on 1 February 2018 and which allegedly commemorates persons who fought alongside the German Army, placing Nazi collaborators on an equal footing with those who fought against Nazism, complies with article 4 (a) of the Convention (CERD/C/LVA/6-12, paras. 8 and 24).

Access to justice (arts. 4 and 5)

11. Information on access to justice, including to administrative courts, by persons belonging to national minorities, notably Roma. Impact of the limitation of State-funded interpretation services during court proceedings, in accordance with the amendments to the Civil Procedure Law in 2016, on access to justice (CERD/C/LVA/6-12, paras. 44–47).

Situation of minorities (arts. 2–7)

12. Detailed information on steps taken to: address cultural stigma and socioeconomic discrimination against members of the Roma community, including women of Roma origin; examine the findings of the study "Roma in Latvia" (2015), which revealed that Roma continue to be discriminated against in the labour market and to have low educational achievements; and implement the recommendations put forward by the Latvian Roma Platform meeting held on 29 May 2017 (CERD/C/LVA/6-12, paras. 18–19 and 169–171; HRI/CORE/LVA/2017, paras. 196–199).

13. Updated data on school enrolment, completion and drop-out rates at all school levels, disaggregated by ethnic and national origin, the legal status of children or their parents, sex and age. Information on how the 2015–2017 Plan for the Implementation of the Education Development Guidelines 2014–2020 have improved education opportunities for, and the educational achievements of, national minorities. Measures to eliminate de facto school segregation, impacting notably Roma children, as well as other children belonging to national minorities (CERD/C/LVA/6-12, para. 122).

14. Measures taken to protect and promote education in minority languages. Information on the alleged proposed amendments to the Law on Education, aimed at removing the teaching of minority languages in public and private secondary level education institutions and at reducing the portion of minority language education in the last three grades of basic

education. Information on the measures taken, if any, to consult minorities in the drafting of those amendments (A/58/18, para. 452; CERD/C/LVA/6-12, paras. 107–112).

15. Information on the measures taken to ensure that the requirement concerning knowledge of the Latvian language, as prescribed under section 6 (2) of the Law on State Language, is not resulting in direct or indirect discrimination against persons belonging to minorities in their access to work (A/58/18, para. 445; CERD/C/LVA/6-12, paras. 17–19 and 83–85).

Situation of non-citizens (arts. 5–7)

16. Measures taken to address the situation of non-citizens and stateless ethnic Russians. Steps taken or envisaged to extend political rights, notably voting rights at the local level, to non-citizens and to reduce the list of occupations restricted to citizens (A/58/18, paras. 448 and 451; CERD/C/LVA/6-12, paras. 56–59).

17. Information on the implementation of the Law on Citizenship (2013) and its impact on preventing and reducing statelessness. Measures taken to study the underlying reasons for the decreasing number of requests for naturalization and the steps adopted to facilitate access to naturalization procedures, including by intensifying free-of-charge Latvian language courses (A/58/18, para. 449; HRI/CORE/LVA/2017, paras. 202–206; CERD/C/LVA/6-12, paras. 72–79).

18. Information on measures taken or envisaged to bring the Law on the Status of Participants in the Second World War into compliance with article 5 of the Convention and the Committee's general recommendation No. 30 (2004) on discrimination against non-citizens. Statistics on the number of veterans who would be precluded from applying for "participant" status under the above-mentioned law due to them not being citizens of Latvia.

Situation of asylum seekers

19. Information on the implementation of the Asylum Law (2016), notably on the safeguards it contains against arbitrary detention and refoulement of asylum seekers. Statistical information disaggregated by ethnic and national origin, sex and age of asylum seekers placed in detention as well as the duration of their detention (CERD/C/LVA/6-12, paras. 13–14, 123–127 and 160).

Measures to combat human trafficking

20. Statistical information disaggregated by ethnic origin, nationality, sex and age concerning victims of human trafficking. Information on the impact of the measures taken to curb human trafficking, notably the National Strategy for the Prevention of Human trafficking 2014–2020. Steps taken to establish an identification and referral system for victims or potential victims of trafficking who may be in need of international protection.

Human rights education and training (art. 7)

21. Efforts to assess the impact of training programmes on the rights enshrined in the Convention provided to law enforcement officials. Information on human rights training and education programmes implemented to foster inclusiveness and understanding among the different components of society (A/58/18, para. 456; CERD/C/LVA/6-12, paras. 19 and 161–163).

22. Information about the content of history school curricula aimed at teaching children about the dramatic events and human suffering that arose as a result of ideologies such as Nazism and Fascism.